

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY (NEWARK)

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
2014-1729

**Powers Kirn, LLC**  
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Attorney for Wells Fargo Bank, N.A.

In Re:

Jesus Mercado, Jr.  
Lillianet Mercado

Case No.: 16-20434-JKS

Chapter: 13

Hearing Date: 06/08/2017 at 11:00am

Judge: Honorable John K. Sherwood

Oral Argument Waived

**NOTICE OF MOTION FOR ORDER VACATING AUTOMATIC STAY  
AS TO REAL PROPERTY**

Jesus Mercado, Jr.  
699-701 Degraw Avenue  
Newark, NJ 07104

Lillianet Mercado  
699-701 Degraw Avenue  
Newark, NJ 07104

Marie-Ann Greenberg, Trustee  
30 Two Bridges Road, Suite 330  
Fairfield, NJ 07004

Alberico DePierro, Esquire  
317 Belleville Ave  
Bloomfield, NJ 07003

PLEASE TAKE NOTICE that the undersigned attorney for Wells Fargo Bank, N.A. will apply to the United States Bankruptcy Court located at 50 Walnut Street, 3rd Floor, Newark, New Jersey, for an Order to vacate the automatic stay to authorize the moving party to prosecute a foreclosure action for the reason that the debtor has materially defaulted in the plan by failing to make regular mortgage payments outside of the plan.

TAKE FURTHER NOTICE that pursuant to D.N.J. LBR 9013-1(a)(2) the moving party waives oral argument and shall be relying upon the Certification of Creditor Regarding Post-Petition Payment History (Note and Mortgage Dated March 10, 2006) in support filed herewith to provide the facts

supporting the requested relief. The property involved is known as 699-701 Degraw Avenue, Newark, NJ 07104-1615.

STATEMENT OF NON-NECESSITY OF BRIEF: The Movant submits pursuant to D.N.J. LBR 9013-1(a)(3) that the within motion involves common questions of law and fact and does not involve complex or novel issues such as to require the submission of a legal brief or memorandum.

/s/ William M. E. Powers III  
William M. E. Powers III  
Attorney for Wells Fargo Bank, N.A.

Dated: May 15, 2017